

97-84027-7

Barber, Amherst  
Willoughby

My brief statement of  
official wrong continued...

[Washington]

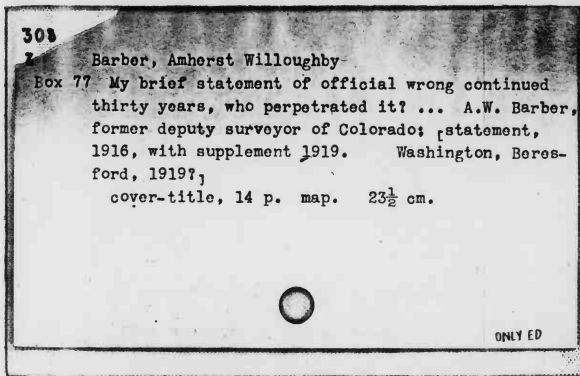
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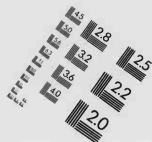
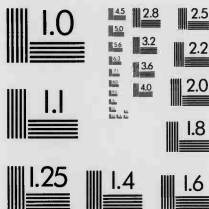
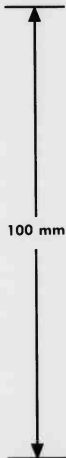
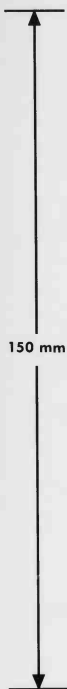
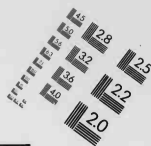
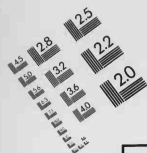
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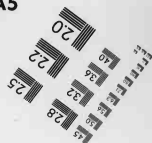
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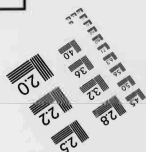
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# MY BRIEF

## STATEMENT OF OFFICIAL WRONG CONTINUED THIRTY YEARS

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WHO PERPETRATED IT?

WHO CONFESSED IT?

WHO CONCEALED IT?

WHO DEFENDED IT?

WHO IGNORED IT?

WHO EXPOSED IT?

For Names, Inquire Within

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A. W. BARBER

Former Deputy U. S. Surveyor of Colorado

with an ~~un~~PAID ACCOUNT

1916

19 April 1920 C. W. O.

## The Surveying of Township No. 13 South, Range No. 90 West, in Colorado, under Contract No. 710, April 2, 1885.

Statement by A. W. BARBER, Genl. Land Office, 31 years later.

### HOW IT BEGAN.

About the years 1880 to 1884, the discoverers of a remarkable open vein of excellent coal 20 feet thick, in the wall of a deep canyon of the North Fork of the Gunnison River, western Colorado, filed their mining claim, maintained occupation the year round to protect their right, and performed the required work of development. They also petitioned the surveyor general for a survey of the whole township.

In 1883 a contract had been awarded to E. M. Ashley, to begin at a certain official corner of four townships, and survey the four boundaries of Tp. 13 South, Range 90 West, within which lay the great coal mine, extending horizontally under all the tremendous crags and lofty mesas of that region, and exposed to the miner just above the river's margin. The river there was over 6,000 feet above sea-level: the heights all round, where snowdrifts lay deep in July, had altitudes ranging from 8,500 to 9,000 feet; hence to run the 84 necessary miles of line for that survey to cross the main canyon and the network of tributary gorges and gulches, a surveying party must necessarily climb and descend rocky heights covered with difficult underbrush, from 1,000 to 2,500 feet vertical difference.

Deputy Ashley visited the valley and made a beginning on the easiest portion, but soon withdrew. Knowing the methods prevailing at Denver, he trusted that a set of field-notes skilfully devised without enduring all the hardships involved in a real survey, would bring his pay just as well; so he manufactured a paper survey by a set of rubber stamps, inserting figures of course and distance with the pen, like an ingenious forger. This report looked good to the surveyor general and his force, and it was rushed through and promptly paid for. In those days the G. L. O. was not much interested in the genuineness of distant surveys, and "Benson methods" were practiced in different States with entire approbation at this end, till Commissioner Sparks began his attempts at reform.

The claimants of the coal then petitioned for a sectional survey under which legal applications could be made. The surveyor general, knowing the enormous difficulties of making a real survey, and that the pay was

miserably inadequate (only \$7 per mile), was not desirous to appoint one of his deputies. So he intimated to the applicants that he would agree to a contract, if the claimants would furnish a competent deputy to undertake it.

#### HOW I WAS ROPED IN.

The chief holder of the mine was Captain D. R. Sylvester, a war-veteran and a "Forty-niner" of the famous gold-migration, who then lived in Denver with his family. He was one of my dearest old friends, and was my father-in-law. He wrote to my home, Yankton, Dakota Territory, urging me to accept a contract to survey three townships of that region. Having never seen that country, and being anxious to support my wife's father with good, faithful work by which title to coal claims might be secured, I accepted the job, and gave bond in \$8,000, of which the surety was two former surveyors general of the Dakota office. The contract was executed, and from that time, April 2, 1885, there was nothing but heavy expense and hard labor for the parties most concerned.

#### FINAL FORMALITIES.

After journeying to Denver and waiting about the Office, I at last was handed the special instructions by Clerk J. S. Bond, with an "official" copy of the field-notes of exteriors, certified by Ashley the previous year. Mr. Bond was so considerate as to warn me that I *might* find some discrepancies in those boundaries, that is, they perhaps might differ from the details in the copy given; but he guessed as I was an old surveyor I would understand it; adding with a peculiar wink, "You know how men in the field sometimes have accidents or fires, or lose their notes, and are obliged to replace them from memory as best they can."

Later events satisfied me that this strange precaution was a veiled intimation that the notes were spurious; that the surveyor general and his clerks knew that fact, and expected me, as his faithful deputy, to conceal all reference to the probable discovery that Ashley had not done the work; also that I was required to close my subdivisions with such a report as to make me an accessory after the fact, and a *particeps criminis*. As a deputy from Dakota who had never seen such practice, I was too unsuspicious to comprehend the full purport of Mr. Bond's message from his chief, or to help Surveyor General Meldrum out of his danger of exposure.

#### IN THE FIELD.

A costly journey of some 400 miles by rail over Marshall Pass brought my party to Montrose. Thirty-five miles over rocks by wagon landed us at Paonia. Thence 13 miles on foot on the mountain trail showed the coal-mine. Seven miles from Paonia, I was shown the initial point of my work, the SW. corner of my township; at which I began, as my instructions ordered, to retrace the south boundary run by Ashley, to the SE. corner 6 miles away. For four miles there were slight traces of an irregular survey, up among rocks and timber, but no clearing out brush or blazing of trees. The supposed corner monuments had no resemblance

to what Ashley reported one year before. For example, what he called a sandstone, marked and set in the ground with no trees within three chains, proved to be a thin stake in a thick grove of unmarked trees. No better verification than this was found, and beyond the 4th mile there was absolutely no sign of even a pretense of marking a line. At the end of 6 miles, instead of a corner sworn and paid for as a stone with no trees within 3 chains, we were in a dark forest of big poplars with no evidence of any sort of corner.

I devoted a whole week, with five good woodsmen, to a minute search for the east, south, and west bounds of my township; but further lines did not exist, nor have the recent surveyors ever pointed out a scrap of evidence that Ashley went further. My actual loss for cost of men and food during this wasted week was over \$150.

#### WHAT TO DO NEXT.

We were some 400 miles from Denver and 50 miles from a telegraph. I could not afford to waste the season in idle dispute with such a tricky federal office. My bond compelled me to subdivide that township; and the Manual given me as an official guide (see Manual of May 3, 1881, page 40) required me to complete the exteriors before anything else. It also said "no existing corner must be disturbed"; so I must allow that crooked "accepted" line to stand, four miles on the south and one mile on the west, though I planted marked rocks and witnesses to preserve each official location.

Starting where Ashley abandoned his work, the whole boundary was then completed, with as good lines as were then usual in Colorado practice and with far better monuments, though the surveyor general had already paid another man for the lines; and every corner was a stone, well selected, marked and witnessed, exactly as recorded in my field-notes; for I was bound that the people who would some day be interested in those millions of coal wealth, should never complain that the lines were not easy to trace.

From the south-west corner the line ran northerly up a steep mountain, and there we found trifling evidences of two corners for the first mile. According to rules, I extended this line, running over bare hill-tops seeking more signs of Ashley, but there were none. Thenceforward his field-notes were the product of invention. The north boundary was in the same condition, but he made a ludicrous mistake by inventing his topography from a chart of the Geological Survey. He swore he crossed Muddy Creek about the middle of the north line, where in fact there is a mesa or plateau 2,500 feet higher than the river. Muddy Creek with its vast gorge running south to the river, is 6 miles further east; and neither Mr. Ashley nor his confederates in the office discovered his error.

#### COMPLETION OF SURVEY.

Having closed around the township, we returned to the south line and surveyed the section lines in usual order, toiling up and down all the chasms through that summer, hindered by desertion of hands, and severely tested physically by intolerable exertion at such high altitudes. The

record was completed in the field, exteriors included, and sworn to by all employees. In Autumn I returned to Denver, and officially filed my complete returns at the surveyor general's office, of which fact Mr. Oney Carstarphen is a witness, since he was there present.

The negotiation with Ashley through the surveyor general's office was managed by Chief Draftsman P. H. Van Diest, to whom I personally complained of the enormous trouble and expense resulting from this fraud. This complaint was made promptly, as I looked for some sort of reparation and compensation from Ashley and his backers for my relief. Van Diest accepted my facts without denial or question, regretting it very much, and promised to see that it was made right. He said he would arrange it with the office so I should be satisfied, and urged that I should go and interview Deputy Ashley and see what he was willing to do.

#### THE CONFIDENCE GAME OF THE SURVEYOR GENERAL'S OFFICE.

As no one at the office attempted to deny the truthfulness of the charge that the former report was a fiction, but accepted my notes of the exterior without question, I went to find the favorite deputy. After long inquiry from place to place, he was cornered in a saloon and induced to come out and talk of the case. He made no pretense of denial, and said I should be reimbursed for my losses on his account; but that he had no money then, and I would have to wait for the payment of a draft for another survey then pending. He offered to make it right then and there; went into the drinking place while I waited outside, and brought me a message to present to Van Diest, directing him to pay to me two hundred dollars to quiet the complaint and compensate my injury, out of the funds then due from the Government. As there was no way evident for treating the case more effectually without staying in Denver indefinitely, away from my family and Dakota business affairs, and as Van Diest, on presentation of the said note from Ashley, promised faithfully to collect the money and send it to my address, I was obliged to submit to their terms.

It required some two years of patient waiting to realize the sniping trick for which a party of Government officials had induced me to "hold the bag." My friends in Denver could learn nothing of any settlement intended, and I could only await the pleasure of those in power. The admissions freely given, to my face, were now changed to silent ignoring, and ultimately to complete denial that I had ever made a survey of the boundary. In every possible way the successive officers for the last ten years have done what they could to give Ashley the credit for setting the outside corners and to deny my claim. In this they have been ably supported by persons in my own office in full sympathy with the Denver office.

#### WATCHFUL WAITING FOR THIRTY YEARS.

After these falsehoods had been duly fixed as the policy of the Denver office, there was nothing for me but to wait till the necessities of surveying should reveal the truth. I felt sure that, although four of my assistants still lived and would testify for me, I needed not to abandon all other employment and go to those cliffs and gorges to establish my rights.

Though 44 years old when the gang in charge committed the high misdemeanor of altering sworn official documents to cover and protect a previous official perjury, yet I looked forward to see themselves produce evidence for my vindication.

In September, 1886, an order was issued to Clerk J. S. Bond to go out and examine my surveys, carefully excluding all idea of mentioning the Ashley boundary lest evidence be made public. Mr. Bond, with one of my chainmen, performed the duty; and I paid \$4.00 for a certified copy of his very complimentary report. He inspected 37 of my monuments, and they were not only in the valleys but on the less accessible heights. He found 35 in all and reported them excellent, 2 being on the Tp. line; but to carry out the previous farce he was not required to mention my excellent corners on the pretended Ashley lines.

Persons who knew nothing of this strange history have asked why it was, if I had a just cause of complaint, that I suffered it to lie dormant so many years. In reply to these, some of the efforts that I made in my own behalf must now receive notice. First, my letter of two full printed pages in the General Land Office annual report for 1886, page 270. At the instigation of John S. Williams, Comr. Sparks gladly published it entire, to make political capital against the Republican officials, but never took one step toward verifying my accusations, or calling those officials to account.

Second, when the new surveyor general, Oney Carstarphen, wrote to me at Orlando, Florida, he inclosed a draft for what was considered my compensation for the survey; but I promptly and vigorously informed Comr. Sparks that it was *not* a full settlement, and that I could not accept it as such. That original reply is now before me, dated November 2, 1887.

Third, there is the fact that, about January, 1888, I entrusted my case to a leading firm of Washington attorneys, Curtiss & Burdett, which then also included Thompson and Law. They undertook to collect the unpaid balance due, and advised that I prepare a complete sworn statement, and send it to them from Florida. March 22, 1888, one of the firm entered the Land Office to look up the matter, but, of course, he found no evidence on which to base my charges; but he was there advised to have me send an affidavit, on which they said the matter would be investigated.

On Aug. 10, 1888, Mr. Curtiss received my sworn history of the survey, of which I retain a pencil copy. In September, 1891, having reached Washington for a future home, I visited the law firm to revive the claim. Naturally the call had no result, as no supporting facts were then known of record.

I laid the case before my friend and fellow field-surveyor of Dakota experience, Senator Frank Pettigrew. He cheered me by advice, and later wrote that if I could get no action from the General Land Office, he would introduce a bill for my relief. But the time for this was not yet come; and when it shall become necessary, all the facts in this brief will appear.

Since nothing could be done without supporting evidence, I held my papers and field-notes safe from being destroyed by any surveyor general

or clerk of an office in sympathy with him; and kept smiling in the certainty of making them sometime produce the facts needed for my vindication.

In 1908, 17 years later, an opening appeared through which I saw a chance of getting at the truth by the promised Arthur survey on the east, but friends of trickery and opponents of fair play shut the door in my face by official denial of any chance, and hope was again quenched. (See account on page 8). I then went to the Curtiss firm, but Thompson and Law could not admit that any papers from me had ever been entrusted to them. After a few denials, I produced their three letters of 20 years before; and secured an admission that the documents must have gone to the furnace among other neglected cases.

#### PROOF OF HIS CRIME PRESERVED BY MELDRUM.

In 1907, at my post in Washington, I learned that the pages of the official record of field-notes in the Denver office contained evidence of the destruction of part of my field-notes. I induced the authorities of the G. L. O. to order volume 282 of Colorado field-notes to be sent hither for inspection, and it was so sent.

The chiefs of the Surveying Division, as well as the Chief Clerk and others with me, examined the record of my preliminary notes of beginning my survey, and saw most of two pages heavily blotted out by pen and ink, though most of the words, written by myself, were easily legible, notwithstanding the effort to destroy. This had evidently been done by order of Surveyor General Meldrum at the time of acting on my survey, when he decided to fight it through on the pretense that Ashley's record was true and that I "had never reported" finding anything wrong in the field.

Before returning the volume, I made copies of the matter thus stricken out from my sworn record (after some lines telling of the search along the 4 miles of wretched signs along the south exterior) as follows, on page 173:

#### REMNANT OF MY EARLY EXPOSURE OF FRAUD.

"While retracing this line June 7, I soon found that most of the former monuments were wholly at variance with the field-notes thereof, and with the general instructions. Careful search was made at each mile and half-mile, for other monuments, by five men, and many hours spent in such efforts without success.

"After passing the 4th mile, at the cor. to secs. 2, 3, 34, and 35, it was impossible to find any more corners or marks of survey; and after spending about a week in fruitless search and inquiry where the S. and E. lines should be found, I concluded that said lines had never been run, except the first four miles above mentioned. It was therefore necessary for me to survey them.

"Later I also began at the SW. cor. of the Tp. and began to retrace the W. bdy. After running one mile north and finding and identifying two corners, I failed to find any more marks of a former survey of the line, and therefore ran and established the west and north bdrles. of the township.

"Hence, as I had just run and marked the S. and E. bdrles. of sec. 36, no further tracing of them was needed, and I use the same instruments \* \* \*"

Note.—By his letter of Aug. 8, 1913, Sur. Genl. O'Connor admitted the charge of this mutilation of my papers, but relied on the fact that my old field-notes were not now on record. This policy is still followed by the Denver office in defeating my account; and his incompetent witness, A. B. Rich, was made to swear that I "never reported it."

Hence it may be now asserted that my claim was not allowed an unbroken sleep of thirty years. It was roused now and then; but there was always some malevolent fellow or circumstance, waiting with a club to stun it again into suspended animation.

Over seven years ago an official examination was ordered from Washington, for the purpose of learning whether a complete resurvey of said area was necessary by reason of obliteration of the former work. This duty was entrusted to Mr. Lee S. Miller. There seems to have been a strong purpose at Denver to destroy the survey of over twenty years ago and nullify all the existing corners which were the legal boundaries of all the disposed-of coal tracts, whose value ran up to millions of dollars. The railroad and mine-owners protested vigorously, and narrowly escaped having their lands cut up into the usual fantastic patch-work now seen in many States as the result of fastidious resurveys.

This Examiner of Obliterations went into Tp. 13-90 aforesaid with the purpose of compelling such a resurvey, under the pretense that there was no sufficient evidence of old corners. His report showed that he was shown the lines in the valley and found nearly all the few corners he looked for; but a man told him he did not believe that old surveyor (myself) ever went up on those heights to set a single stake or run a line. This talk from a transient fellow was plenty of evidence for Lee Miller. I had at that time a standing personal difference with a member of his family, and it pleased Mr. Lee Miller to officially represent to the Commissioner that the survey represented in our records as made by A. W. Barber, Deputy Surveyor, was a fraud upon the Government in being largely fictitious. This invidious report was received here and acted on, without ever being brought to my notice till found by inquiry. Those in the management accepted the slander against a fellow-clerk and kept it as quiet as possible. His report was dated Dec. 22, 1909.

A local surveyor, who knew the falsity of Miller's report, gave timely warning to proprietors and their Senators, which stayed the plan of entire destruction of my work. Meantime I had rewritten, from original pencil-notes made in the field, a new copy of the portion destroyed twenty-five years before at the surveyor general's office; and I presented this, challenging a thorough field examination. Through the fairness of a Chief, as prompted by Clerk Oney Carstarphen, the Denver office was ordered to make a copy of the said notes and send them to Field Surveyor A. B. Rich with an order to retrace the exteriors in question, and report whether such monuments exist at all.

The surveyor general was most reluctant to obey this order, as it might reveal the ancient iniquity so long and faithfully defended and concealed,



but the retracement at last was made in October, 1913, revealing every marked stone and many of the other witness marks, exactly as testified in my rewritten field-notes, on all sides of the square, and failing to find any other signs that could be attributed to Deputy Ashley.

Upon this conclusive vindication, I prepared and submitted to the Denver office my sworn account against the United States, claiming the sum of over \$250.00, of which Norman H. Meldrum and his confederates had literally robbed me by suppressing part of my returns. The present official has refused for three years to approve the account.

#### PREVIOUS VINDICATION DEFEATED BY MY CHIEF.

Contract No. 843, awarded Feb. 28, 1906, to Deputy Arthur, required him to survey lands adjoining my work on the east. He started from an incorrect corner far to the north, which never was properly adjusted with other lines of the system, and ran south in a silly effort to hit the mark by a random shot of several miles. Failing in this, he asserted there was no such line possible to be found. The fact was, the great hardships of the region discouraged him, and he made the accusation of non-establishment of corners a convenient pretext to beg for canceling of his contract.

As I was interested and believed the doubt should then be settled, I wrote a letter suggesting that the sensible way would be to start from some of the well-known corners of the coal-barons of the town of Somerset, and run a retraced line only two or three miles, which would guide him directly to my monument on the boundary sought for, or which he pretended could not be found. My chiefs suppressed that letter, but were unable to state a reason.

Then I wrote to my old flagman, Wm. E. Gerry, who had never left that vicinity; and from him received assurance that he could find any one among all our old stones, even on the exteriors. He also said:

"The corners are all well preserved throughout the Township, as I was asked by the Utah Fuel Co. to locate 50 or more corners, and I never failed to find a corner wanted. I also showed the D. & R. G. (railroad) surveyors all the corners they wanted to tie to, and also the C. F. & I. Co. To the best of my knowledge, will say that none of Ashley's corners have ever been found."

I furnished a copy of Mr. Gerry's letter, in order that by its use the deputy might easily discover the range line and safely begin his work; but W. T. Paine contemptuously flung it back, with an endorsement saying, "*This personality must be suppressed.*" He would not consent that two men who had set the corners on that line should be permitted to offer a hint of advice as to how they could all be easily found, thus enabling Arthur to proceed.

I then appealed to the chief, C. L. DuBois, stating all the reasons why it was best for the service to let the advice be given, as a matter of justice involving no impropriety whatever. But Mr. DuBois was so completely under the malignant influence of his assistant that no argument would avail, and he twice repulsed my offer. I still have the letter, with his written denial of the privilege. By such management in our own office,

Surveyor Arthur was sustained in his pretense that no range line could there be found. These "friends" and fellow-clerks scored one more success in the long attempt of Denver to disgrace my record. Thus was I brutally debarred on December 16, 1909, from any chance to vindicate the truth of my field-notes, and help to restore an important line. Four years later, by a policy not so inexcusably foolish, this Department at last obtained the facts.

#### MORE OFFICIAL SNUBS.

After these refusals I wrote in 1910 to Supervisor A. D. Kidder, who had been sent by this Department to Denver, to act in any surveying matter needing personal investigation and regulating. I told him of the childish treatment of the Arthur case, of my long-standing injury and complaint, and of the necessity of action to settle the questions before making further surveys that were then in contemplation. He never answered my letter! His contemptuous ignoring of my statements was equivalent to declaring that he considered me unworthy of credit or even of notice.

Months afterward, when I asked if he received my letter and diagram, he brought it forth, but refused to do anything with it, except hand it back. Mr. Kidder was in a position that should have required him to take official notice of a complaint of a Colorado contract-surveyor on such an important matter; but he was not manly enough for the occasion. He joined the increasing number of those who showed by words or acts that they chose to truckle to the Denver dignitary rather than take one step toward finding the truth.

But Oney Carstarphen, the second successor of Meldrum as surveyor general, was not one of that class. While preserving strict neutrality regarding the case in his hands, he believed in *fair play*,—a principle not familiar to the other managers of the work in the region of the Gunnison River. Fair play for a wronged comrade induced him to recommend that my old notes be tested in the field; for I believe that he was morally sure, as a matter of office secret tradition, from the time of Meldrum down, that a most dastardly trick had been performed with my superior work, to cover the fraud on the Government of Ashley's previous contract.

#### THE SURVEY ON THE SOUTH.

At last, after three years more of patience and watchful waiting, there came a time when the dreaded question was forced upon the Denver people. Imperative reasons swarmed up from the coal claims and homesteads below the work, to sting into action the unwilling protectors of Ashley's reputation. Tp. 14 S., R. 90 W. must be surveyed, and a common boundary recognized. My line was there but they demanded another one, to nullify the one so long accepted. To bring this about, the surveyor general repeated the farce of the Arthur case; that is, he furnished his field force with a copy of Ashley's field-notes which he had been told were fictitious, by which to find an actual array of supposed monuments; and the men wasted time and money running a new line and trying to avoid finding mine. They had some excuse in the fact that my record of real corner-

stones had been destroyed, and were not available for purposes of search at that time.

But in thus making a substitute boundary, they rashly cut off a strip from the old accepted sections, some twenty rods wide and six miles long, in violation of all standards of land disposal. The local holders interposed strong kicks and the Commissioner disapproved; yet the Ashleyites persisted in their plan to fasten the south line in a new place, and demand a rearrangement of old lines through the township; for they relied on the strength of the Examiner's false "guess" that my work was mostly a fake. All this slanderous talk was disproved in the search for my described corners, by finding them all, true to my descriptions.

Then came the unwelcome order to use my old notes of all the inside lines and see whether I really had set the stones and made the marks therein asserted. Again the slanders were wholly refuted, by finding about every one preserved and in its proper order, with no errors in marking. One conclusive proof was found that I had set the exterior lines of stones, and not Ashley. My resuscitated old notes said that such stones, for example on the boundary east, were marked with six extra grooves on the east and the west faces. This peculiar marking was never practiced by any but me; and when they reported finding the six superfluous grooves exactly as told in the restored notes, it was most absurd to attempt longer to regard them as set by Ashley.

#### ONE MORE VICIOUS BLOW.

Falsification of records had thus been completely proved; but one more futile subterfuge had to be officially perpetrated to satisfy the hostility of the virtuous Denver office. This consisted in an official denial that I had given any information regarding Ashley's default; for I find in the field-notes of Rich's survey the sworn statement twice made, that, although Barber did really make the existing survey around the township, yet that he "never reported it." Because no one now living would testify he saw the destruction of the missing pages of my original returns, the surveyor general and his willing tool ignored the existence of those words in their own hands (see p. 6), blotted out but still legible, in which I did report the fraud and my necessity for actual survey. Thus Mr. Rich swore to an erroneous statement as a fact, of something of which he could have no personal knowledge, from the inconvenient circumstance of having been probably an infant at about that period, on a claim in Dakota. This last denial of my veracity by the defenders of Deputy Ashley cannot be explained on any sane theory. It smacks of desperation at being compelled to convict themselves. It is worthy to be filed away with similar invidious pin-pricks by Miller, Paine, Kidder, and others, in their vain effort to defeat justice, and destroy all chance of my being paid my dues.

#### PROVIDENTIAL PRESERVATION OF MY EVIDENCE.

When starting for Florida in December, 1885, I packed in a trunk all the papers of my Colorado work, including the little pass-books with notes taken on the spot. This trunk got left behind on the way, but was

forwarded later from Jacksonville by steamer; but on the St. John's River an ocean-going British ship crashed into the river boat and sent her to the bottom. After three weeks in soak, the *Georgetown* was raised; the darkey workman found my trunk and opened it with his ax. My documents were not the plunder he was seeking for. They were saved with other drowned articles, such as books and clothing, and, returning through Jacksonville in April, I recovered what was left, and dried the field-notes after a three-months' bath; for I hoped to live till they would have value in repelling wrong and slander. They were rewritten in part and sworn to anew, about thirty years later, and are still good evidence.

#### PROFITS AND LOSSES.

In 1885, railroad pegs had been set all along that river and coal-mine by two rival lines of road. They now own large bodies of that rich field, and have enjoyed the profits for many years. The survey cost them nothing. Lands far from the mine, even where the bed lies deep under a thousand feet of rock, have been officially appraised at 200 dollars or more per acre. Much of the value lies dormant through litigation. Many millions of value were unlocked to purchase or speculation through my hard service and pecuniary losses. A twenty-foot bed of the best coking coal, verging closely on anthracite, was a godsend to the roads and factories of the western Rockies. But the discoverers and claimants could get nothing. It is the longest pole that knocks the persimmons. No corporation would build a road or touch the mining till it had frozen out or beaten off all claimants.

My dear enterprising old friend, Daniel R. Sylvester, ex-legislator of Wisconsin, lost thousands of dollars, in the expenses of holding that claim and providing for the whole survey. It was a complete loss. He could not wait forever to win his rights from a soulless creature. He could not reach the lofty persimmon, and it ripened and fell only after it enjoyed the warm sunshine of heavy capital. It was such defeats that destroyed his physical and mental powers in his last years.

Yet I survive, unwilling to leave those labors unrequited and my good faith impugned by slander; trusting that the great Interior Department, which I have faithfully obeyed in labors of the public-land service for 27 years, will make good the oft-repeated principle, that *accepted service* for the Government is sure to be paid for according to contract.

#### FOR THE FUTURE.

So, while strength and memory are granted, by which to record this story in all its sordid and contemptible features, duty compels me to preserve it in type, lest my friends and descendants should never know the truth about the wrongs so long successfully inflicted. A time will come when the precise position of the original corners will be settled and re-settled, down to inches or less; and future surveyors will be glad to read the conditions that governed the crude irregularity evident in the official plat.

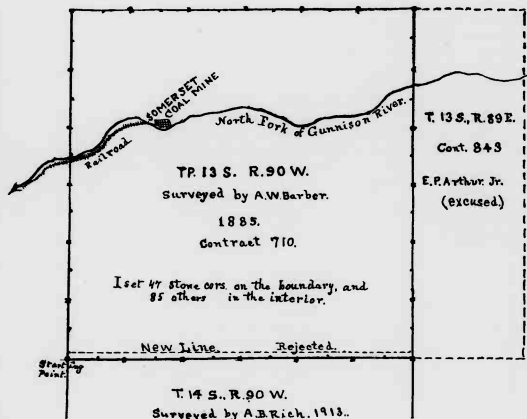
# A MYSTERIOUS RELIC.

There is one affecting relic in the mining town of Somerset, close to the river and the railroad. A peculiar gray boulder had been set up, as if to mark the resting-place of some pioneer. Engraved on it was a single name, without date or birth-place. Recent comers indulged speculations as to its history. Had the poor fellow perished in the river's swift flood, or fallen from a cliff? Or did freezing or famine end his lonely trail? Or were his bones scattered there by the bear or panther? Any of these *might have happened* to him who bore that name.

A lawyer of that country wrote me of going to Somerset on a Memorial Day, and of seeing that lone grave adorned with flowers by the kind hands of patriotic women; for the sleeper might have been a Union soldier.

It was learned that he was such a soldier; that in an early day he had selected and marked that spot for his claim to buy forty acres of magnificent coal; and that his humble name was *A.W. Barber*.

July 1, 1916.



# SUPPLEMENT.

## THREE YEARS LATER.

OCTOBER, 1919.

The fact that Congress has again taken up and now successfully passed my bill for relief, may show that I was not one of those "contemptible quitters." The claim was 31 years old when first approved for passage, but became 34 under Sherley's fantastic ruling that it was only a "claim" and not a proved account, waiting immediate payment. So my bill was thrown out till next Congress, to begin another merry dance as a suppliant before new committees, to recover hard-earned cash stolen behind my back by U. S. sub-officials in 1885.

The just merits of the account had been fully proved, both in Denver and Washington, but payment was next resisted at Denver by refusing to approve the account, though officially required in regular course. This was persisted in to the end, probably under the conceit that this inaction would render it impossible for the Government to ever pay for my service. This was an exaggerated idea of self-importance, but did not control the Department. If the refusal arose from a hope of my impending removal by death, the surveyor general and his chief clerk, Allen, and their official adviser, Frank M. Johnson, Supervisor of Surveys, might learn that it is unsafe to risk their reputation for justice and good sense, even as a mere gambling hazard, upon such an unimportant contingency.

The General Land Office has at last decreed destruction of the false Ashley record, with substitution of my actual record, and also a nominal compensation for "relief," though it omits a larger just item for accrued interest. Four per cent for 34 years since the Government officer stole my sworn returns, would entitle me to \$360 more. But for the principal sum now recovered, my thanks are due to this truly honorable General Land Office (minor exceptions) and to this scrupulous and efficient Congress. I cheerfully devote the "appropriation," "or so much of it as may be necessary," to the cost of these pages, to enlighten friends of good government and my honest land-surveying colleagues. (Oney Carstarphen died at Washington in July, 1919, aged 76 years.)

I had stated my wrongs to said Supervisor ten years ago, and investigation of my case was clearly one of his duties; but he ignored it entirely, as his colleague, Kidder, had done, except to bestow his secret hostility. He bossed the Denver force in other matters, so presumably in this.

In my presence he shirked all allusion to the broad system of surveys assigned to care of Clerk Carstarphen, in which my proofs were fundamental. While the case was thoroughly understood, and after there was no visible obstacle to a report in my favor, action was mysteriously postponed by vague private hints of Johnson, such as: Better let that case alone; don't take those surveys up just yet; there are matters that make that case dangerous for settlement just now, etc. Thus, in an extensive survey on which Johnson had no right or reason to dictate at all or obstruct its progress to final decision, he managed by sly hints of official displeasure, to scare Carstarphen from his purpose of open action during at least two years. This clerk at last told me the cause of his delay, but was unable to see what right Frank Johnson had to meddle with the survey at all. Becoming tired of the whispered dictation, he wrote his long-purposed decision, against which no contrary conclusion has been adopted; and under which all my old lines and corners were perpetuated, and Ashley's were pronounced fraudulent.

Mr. Johnson was an infant when I ran those lines, but he learned in later years that my charge of fictitious returns implicated Ashley, who boasted to me when I personally confronted him, that he was "one of Teller's men;" and I became satisfied that his cheap false survey of 1884 was used to realize U. S. money to meet some political crisis in Denver affairs, and advance the fortunes of the ruling Senator. And the Supervisor of Surveys, having been temporarily allied to the Teller family, was pleased to foster all the possible obstacles conjured up by certain youngsters, to silence any exposure of the criminal complicity of "one of Teller's men."

Thus the old surveyor, so long belied and slandered, offers justification for revealing matters necessary for the defense of his own reputation.

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